

REMARKS/ARGUMENTS

With entry of the above Amendment, claims 1-4 and 9-29 are now present in the application, claims 5-8 and 30-52 having been cancelled. Claims 1 and 27, the only independent claims in the application, have been amended to more clearly describe the invention.

Claims 1-29 were rejected under 35 USC 112, second paragraph for a variety of reasons. The rejection of claims 7 and 9 is rendered moot with the cancellation of those claims. Reference to a “vertical” form-fill seal machine has been cancelled from claims 1 and 27. Claim 3 has been amended to positively recite a heat sink plate which is supported from the collar. In Claim 26 the phrase “further comprising a heat sink plate” is believed to provide proper antecedence for the heat sink plate. Claim 26 has been amended to refer to fastener seal bars, originally recited in claim 1. In light of the above amendments and remarks, the rejection of claims 1-29 under 35 USC 112, second paragraph, is believed to have been fully overcome.

Claims 1-2, 9-11, 13, 15, 22-25, 27 and 28 were rejected under 35 USC 103(a) as unpatentable over ‘837 - Van Erden. The Examiner is thanked for the indication of allowable subject matter, on page 5 of the Office Action. Independent Claim 1 has been amended to include the limitations of claims 7 and 8 and intervening claims 5 and 6. In accordance with the indication of allowable subject matter set out on page 5 of the Office Action, Applicant respectfully asserts that the rejection of Claims 1-2, 9-11, 13, 15 and 22-25 have been fully overcome.

Claim 27 as now amended is directed to a form fill seal machine for the in-line manufacturing of food packages, including mated fastener tracks having a generally A-shaped cross section with a pair of opposed free edges. Claim 27 as presently amended is directed to a fastener track activation member comprising a funnel which is passed over the free edges of said mated fastener tracks to apply a compressive force at a point on said mated fastener tracks spaced from the mated fastener tracks free edge, to pivot the mated fastener tracks one against the other to form an opening between at least a portion of the said mated fastener tracks. These features are not shown or suggested in ‘837 - Van Erden. Accordingly, the rejection of claims 27-29 is believed to have been fully overcome.

Claims 3, 4, 14, 21, 26 and 29 are rejected under 35 USC 103(a) over a combination of '837 - Van Erden in view of '521 - Terminella. The rejected claims depend directly or indirectly from claim 1 which is amended to as to contain allowable subject matter as set out in page 5 of the Office Action. Accordingly, the rejection is believed to have been fully overcome.

The rejection of claims 5 and 6 under 35 USC 103(a) as unpatentable over the combination of '837 - Van Erden and '191 - Laguerre is rendered moot with the cancellation of those claims.

Claim 12 is rejected under 35 USC 103(a) as unpatentable over '837 - Van Erden taken in view of '425 - May. Claim 12 depends directly or indirectly from claim 1 which is amended so as to contain allowable subject matter as set out in page 5 of the Office Action. Accordingly, the rejection of claim 12 is believed to have been overcome.

Claim 16 is rejected under 35 USC 103(a) as unpatentable over '837 - Van Erden taken in view of '254 - Tillman. Claim 16 depends directly or indirectly from claim 1 which is amended to as to contain allowable subject as set out in page 5 of the Office Action. Accordingly, the rejection of claim 16 is believe to have been overcome.

Claims 17 and 18 are rejected under 35 USC 103(a) as unpatentable over '837 - Van Erden taken in view of '896 - Buchman. Claims 17 and 18 depend directly or indirectly from Claim 1 which is amended so as to contain allowable subject matter as set out in page 5 of the Office Action. Accordingly, the rejection of claim 17 and 18 is believed to have been fully overcome.

Claims 19 and 20 are rejected under 35 USC 103(a) as unpatentable over '837 - Van Erden taken in view of '121 - Herrington. Claims 19 and 20 depend directly or indirectly from claim 1, which has been amended in accordance with page 5 of the Office Action to include allowable subject matter. Accordingly, claims 19 and 20 are believed to be allowable and the rejection of these claims is believed to have been fully overcome.

In light of the above amendment and remarks, claims 1-4 and 9-29, all the claims now

present in the application are believed to be allowable and an early allowance is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,

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